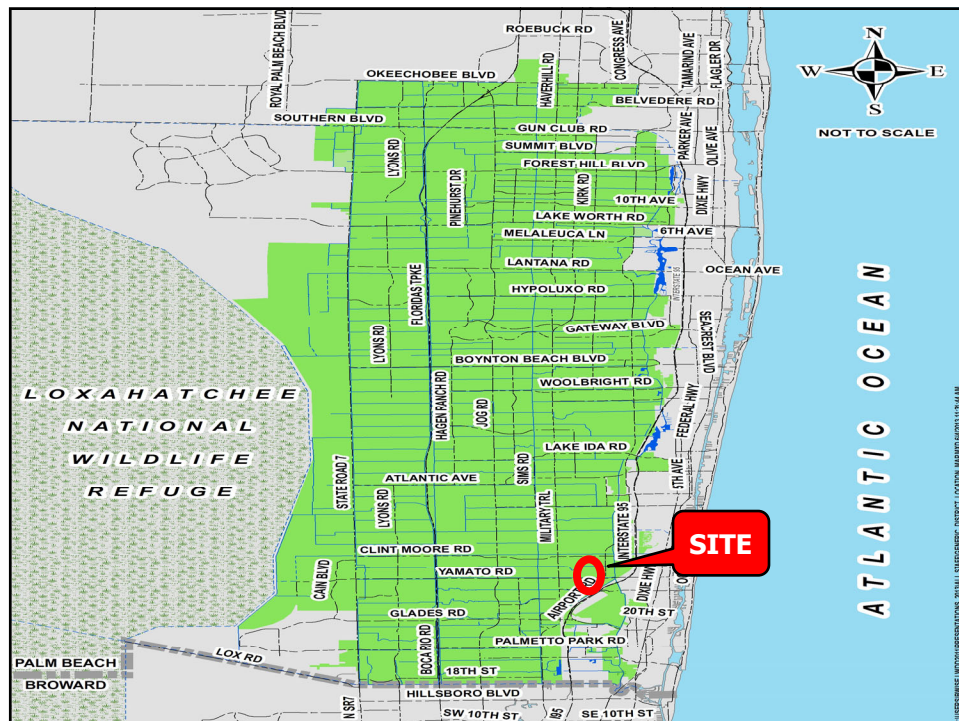
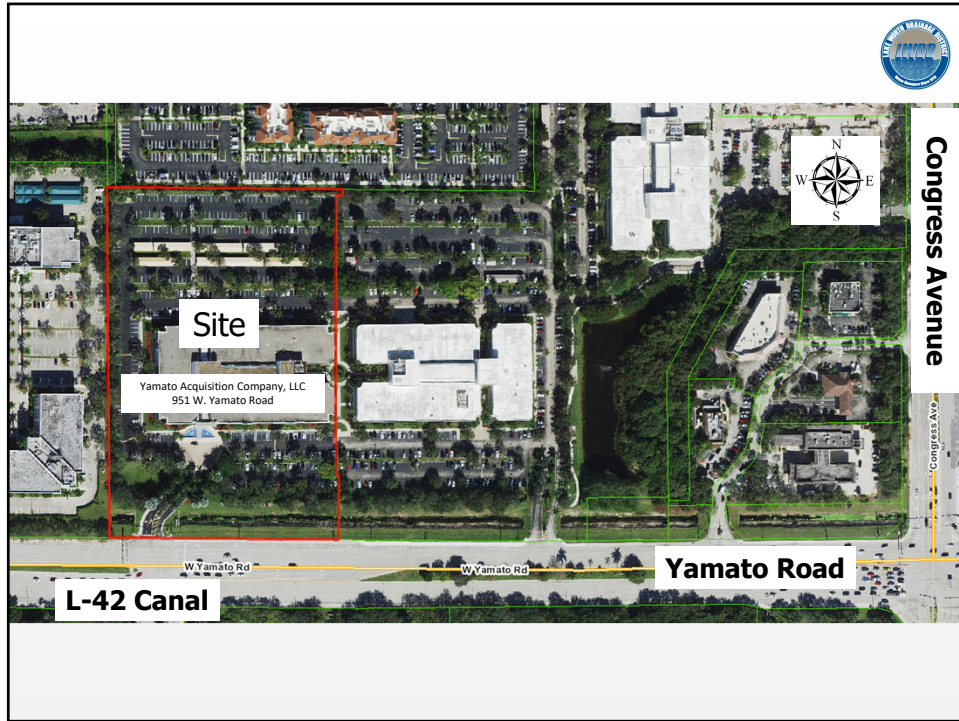




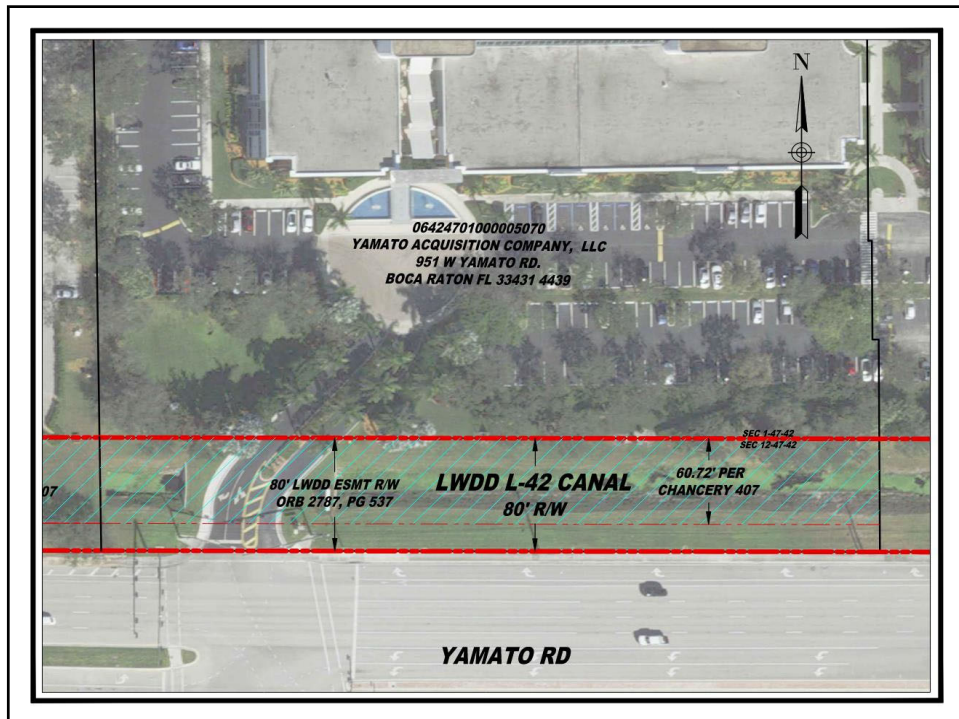
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Background



- June 1915 Chancery Case 407 – The north 60.72' of the NE ¼ of the NE ¼ of Section 12/47/42 was taken for canal right-of-way, which includes the north 60.72 feet of the south 80 feet of the subject property
- December 1977 - LWDD was conveyed an 80-foot Exclusive Easement for the L-42 Canal over chancery interest
- January 2023 – LWDD received a request to clear title by issuing a quit-claim deed for the Chancery Case 407

5

Staff Recommendation (DRAFT)



- Approval to release LWDD's chancery and reservation interest in the subject property.
- Subject to:
 - Quit Claim Deed will be subject to LWDD's Exclusive Easement Deed, recorded in ORB 2787, Page 0537
 - \$250.00 Release Fee
 - LWDD Operating Policies

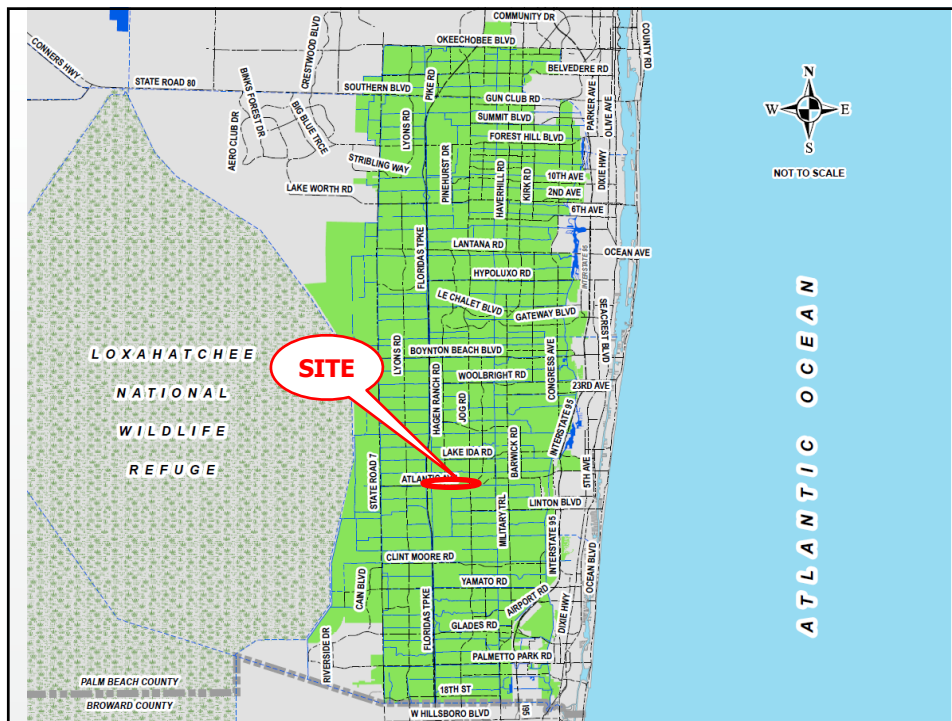
6

FDOT Revised Conceptual Design for Atlantic Avenue Roadway Widening and L-34 Canal Modifications Including Sale of Surplus & Reduction of Canal Right-of- Way from West of Florida's Turnpike to just East of Jog Road (RI-19-0123)

David Bends, P.S.M., Right-of-Way Interest Supervisor
Governing Board Workshop – February 7, 2023
Agenda Item #3



1



2

West Atlantic Ave Project Limits



3

Background



- April 2022 – Motion for approval of conceptual design failed due to concerns regarding drainage impacts
 - Reduction in hydraulic capacity
 - Right-of-way necessary for canal maintenance and emergency operations
- July 2022 – TPA & FDOT presented proposed design; Board motion to defer action and directed staffs to meet to address ongoing concerns

4

LWDD Required Canal Cross Section



Open Channel:

- 80'+ right-of-way maintained
- Minimum 75' minimum right-of-way accepted if border variation applied but unable to meet 80'

Piped Canal:

- Where 75' minimum right-of-way is not possible even with application of border variation, limited piping accepted; must maintain minimum 70' right-of-way

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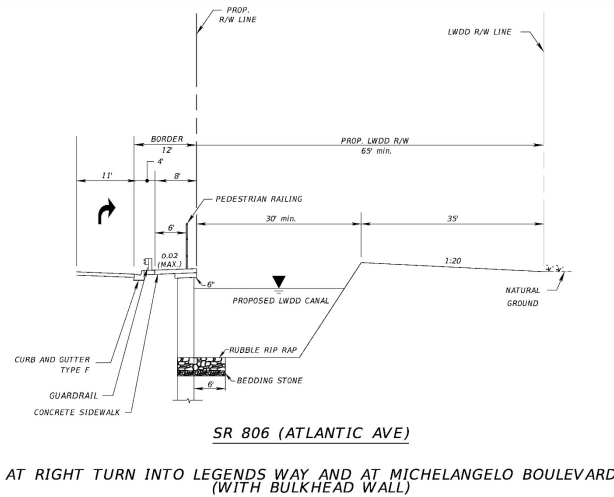
Revised Design



- FDOT revised the conceptual design to provide a 75-80ft minimum ROW from E-2E Canal to just west of Cumberland Drive
- FDOT reduced border width requirements and eliminated piping of the canal with exception of existing four side-street culvert crossings
- Exception of two pinch points at Legends Way and Michelangelo Blvd to accommodate right turn lanes where the ROW will be reduced to 65-ft.
 - In these areas, FDOT to construct a bulkhead wall adjacent to the right turn lanes (approx. 300 L.F.) to minimize impacts; eliminates low maintenance side
 - The proposed bulkhead wall will be within the FDOT's R/W and will be maintained by the Department

6

Revised Design (Bulkhead Wall Detail)



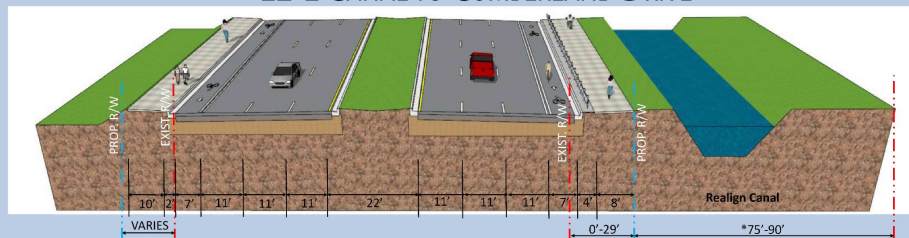
- FDOT to provide rubble rip rap at the base of the wall to prevent over-excavation and damage

7

FDOT Proposed Typical Cross Section



ATLANTIC AVENUE E2-E CANAL TO CUMBERLAND DRIVE



*65' min. at right turns into Legends Way and Michelangelo Blvd. w/bulkhead walls (approximately 300' for each wall – to be maintained by FDOT)

BASED ON LWDD STAFF MEETING W/ FDOT and TPA:

1. Border width reduced to 12-ft on south side to minimize R/W impacts to L-34 Canal
2. TPA Staff concurrence for reduction of sidewalk width

8

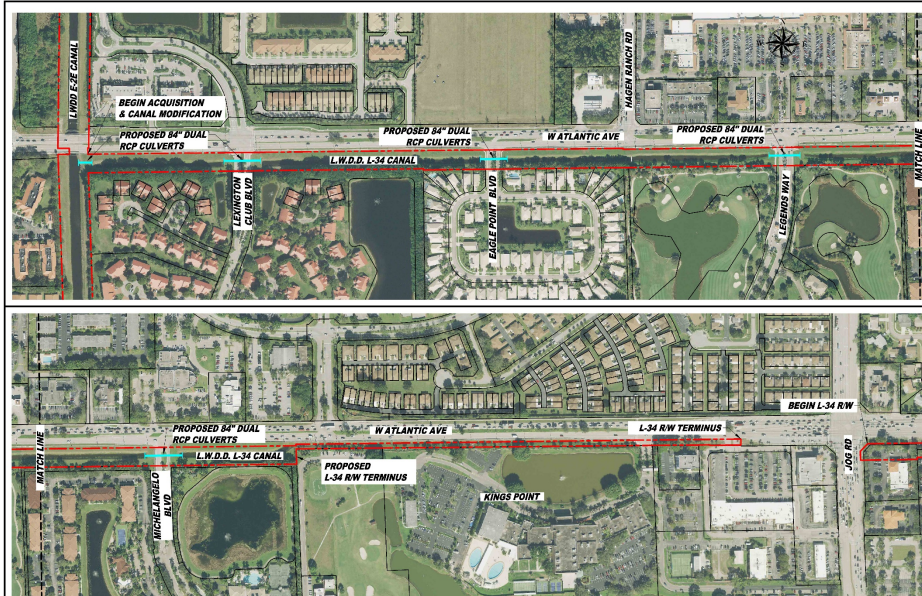
FDOT Request



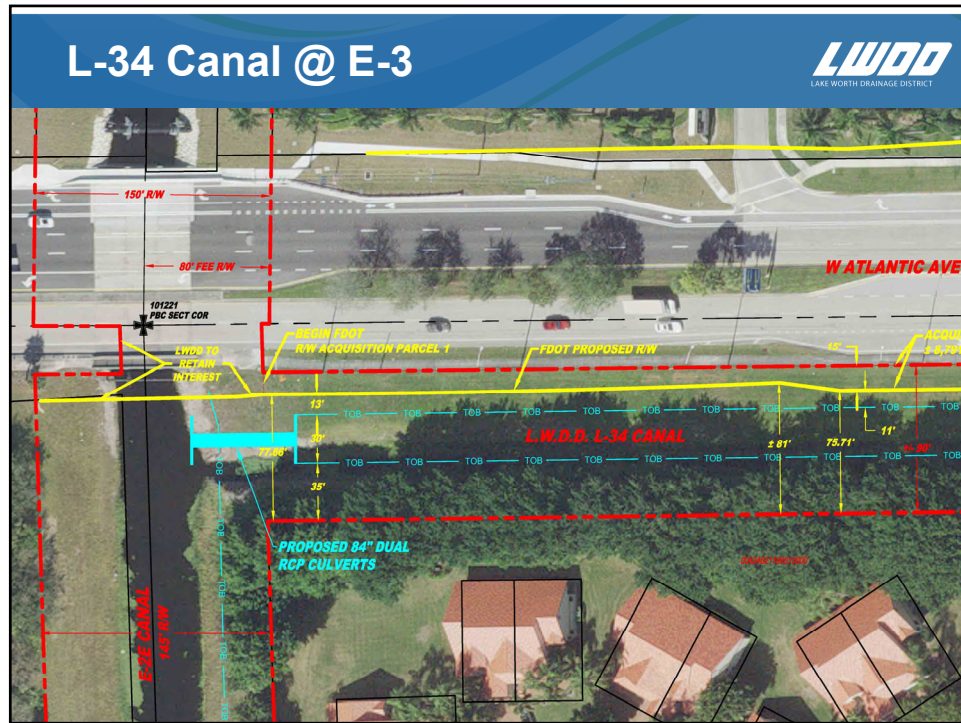
- Approval to surplus and sell a portion of the L-34 Canal right-of-way necessary for the roadway widening at fair market value from E-2E Canal to east of Jog Road, Containing 3.84 Acres, more/less
- Approval to abandon the L-34 Canal necessary for the roadway widening from the west line of King's Point Plat No. 1 to the eastern terminus of the L-34 Canal (500' west of Jog Road)
 - FDOT to assume ownership and all maintenance obligations of the existing culverts and drainage system and continue to accept existing drainage from surrounding properties.
 - FDOT & LWDD to extinguish Maintenance Agreement in ORB 11868, Page 301

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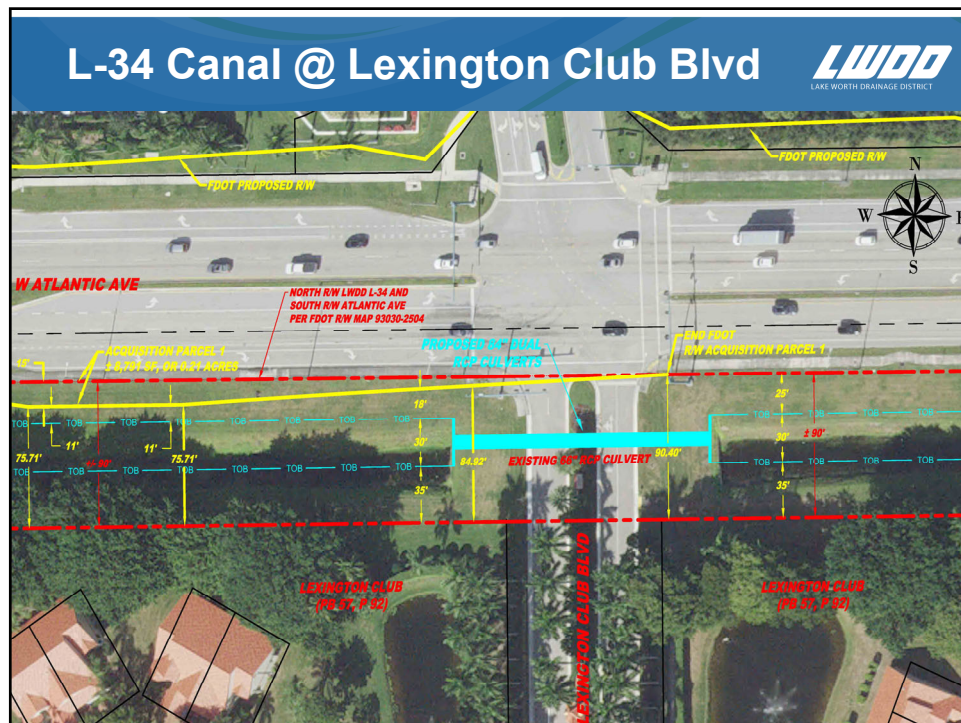
Overall Exhibit



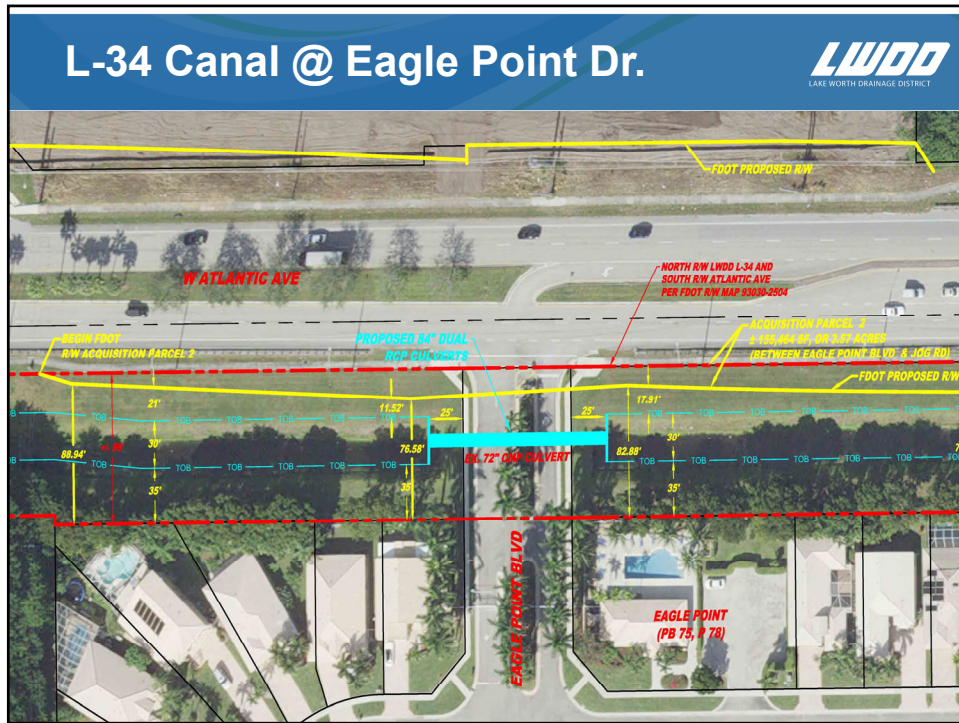
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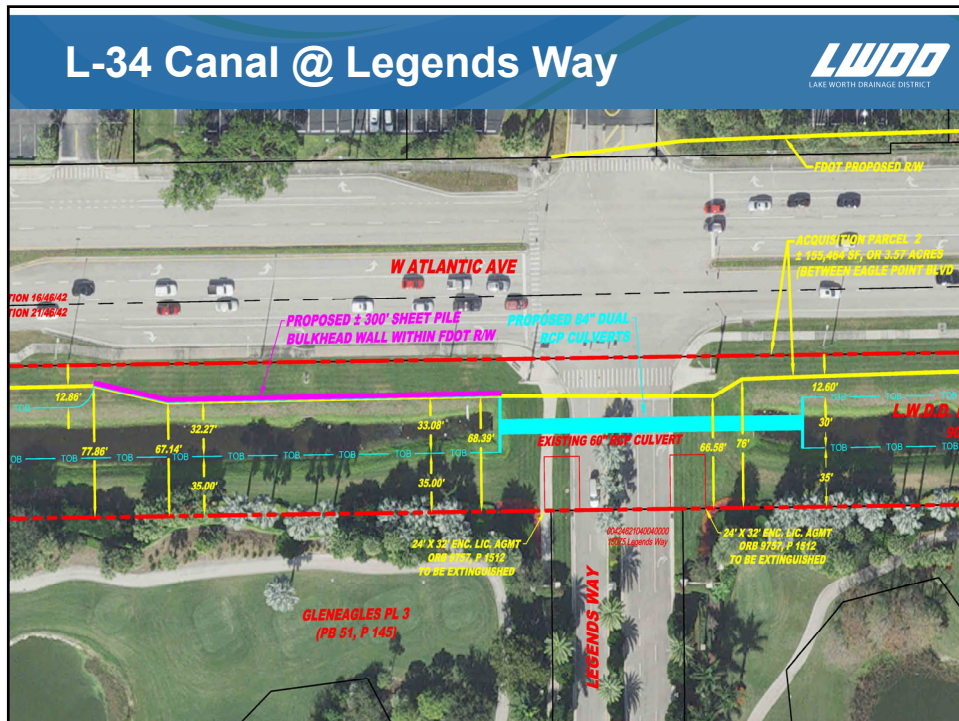
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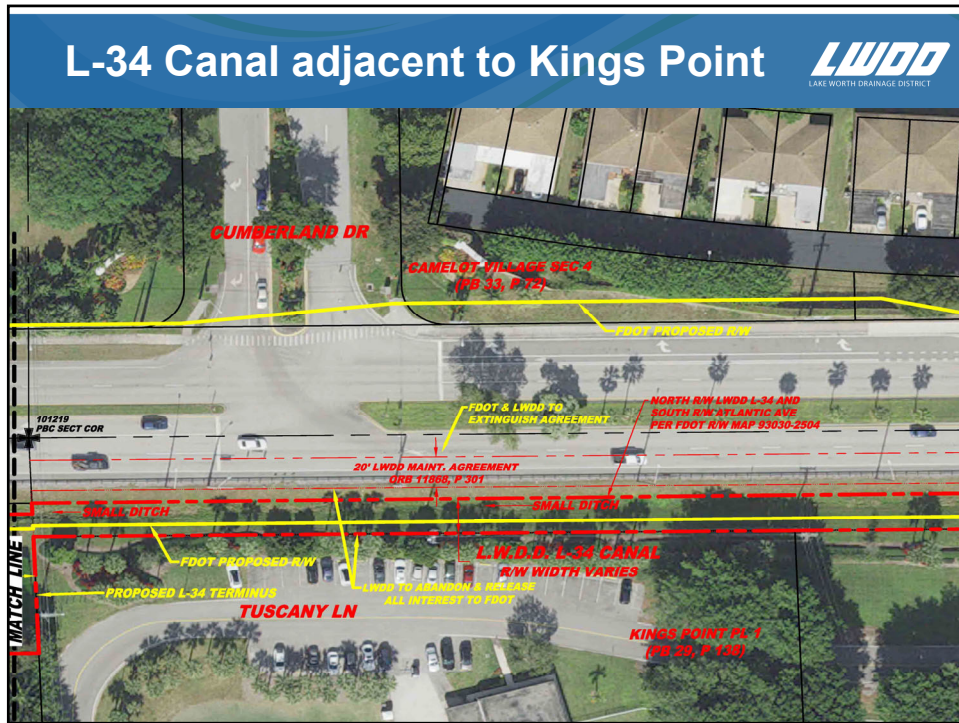
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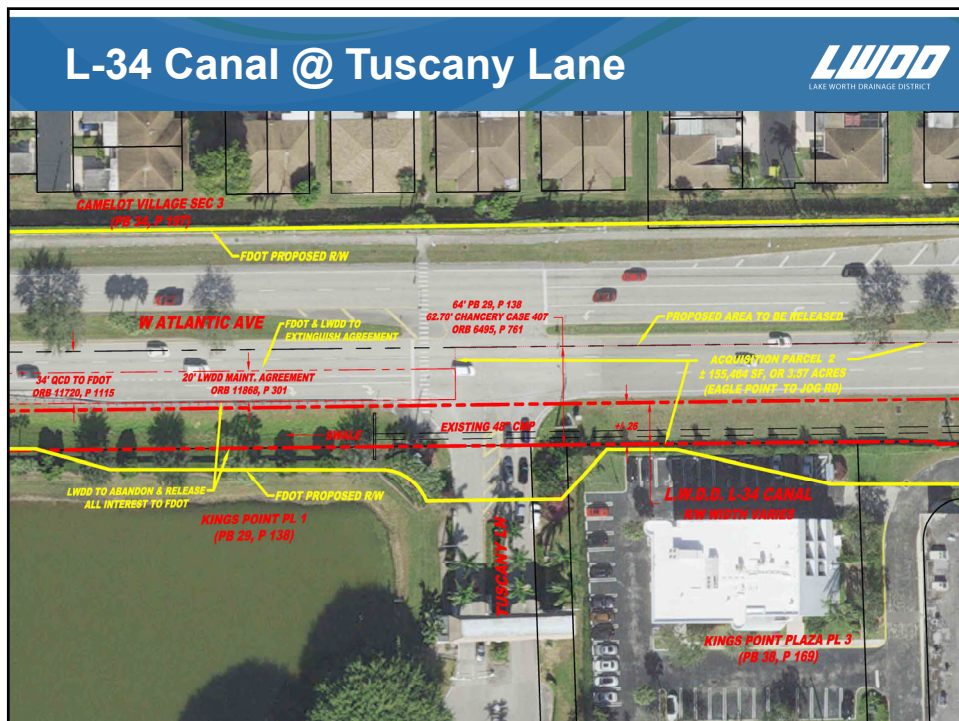
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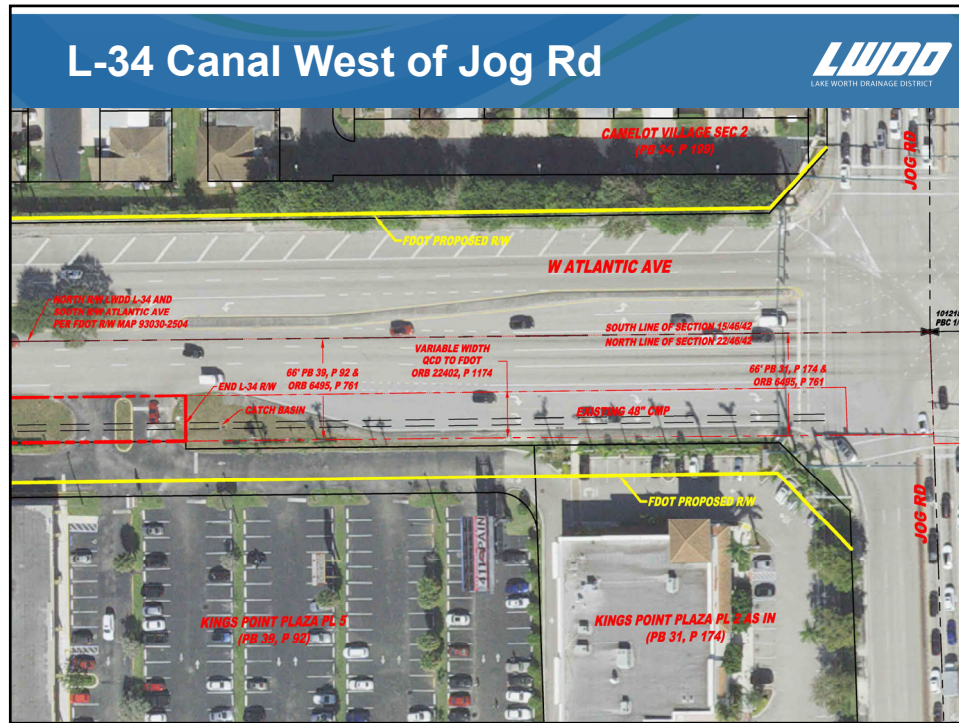
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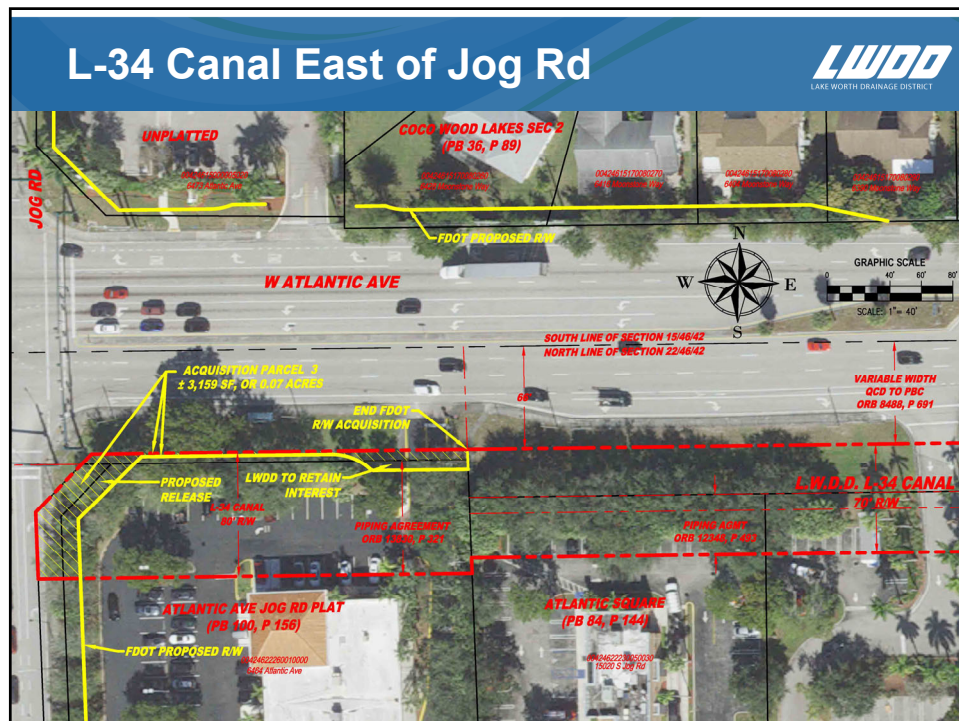
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20

FDOT Canal Modification Requirements

- Shift the heavy maintenance berm currently on the north side of the channel to the south side and provide a 35' continuous maintenance berm
- Rip-Rap or other permitted material that may be required to armor the canal bank to prevent scour where the canal transitions and 25' beyond headwalls
- Drop curb (14' in width) centered on maintenance berms on north and south sides of canal at road crossings and through medians; sidewalks (6" thick) through canal right-of-way
- A minimum of 15' clear unobstructed access at all four (4) quadrants of any crossing
- Vegetative side trimming (25-foot vertically) along the south canal right-of-way line and removal of all vegetation on the south side of the canal that may exist throughout the project limits to provide 35' unencumbered access
- Removal of all above-ground encroachments on the south side of the canal that may exist to provide 35' unencumbered access
- The existing utility transmission line and poles parallel with and adjacent to the existing north right-of-way line of the L-34 Canal will be required to be relocated within FDOT's right-of-way for Atlantic Avenue
- At road crossings, culvert size and length to be approved by LWDD to ensure no impacts to drainage and sufficient access

21

Memorandum of Agreement

- FDOT and LWDD to enter into Memorandum of Agreement during construction
 - FDOT shall control the L-34 Canal right-of-way during the construction of the Project.
 - FDOT shall grant access to LWDD to maintain the canal in the event of an emergency.
 - FDOT will include in the construction contract, the proposed permit to be issued by LWDD which contains conditions set forth in the agreement.
 - LWDD shall execute conveyance and other documentation to transfer ownership of the canal right-of-way to FDOT prior to construction.
 - The project shall be complete within 10 years of MOA execution, or as extended by the parties.

22

Staff Recommendation (DRAFT)



- Approval of FDOT's revised conceptual design for Atlantic Ave roadway widening and L-34 Canal modifications
- Approval to surplus and sell that portion of the L-34 Canal right-of-way necessary for roadway widening at fair market value, containing approximately 3.84 acres, more/less
- Approval to abandon that portion of the L-34 Canal right-of-way (+/- 22' to 26' in width) from the west line of King's Point Plat No. One to the eastern terminus and turn over maintenance responsibilities to FDOT
- Approval for staff to formalize a Memorandum of Agreement (MOA) with the FDOT to be approved by the Board at a future date

23

Staff Recommendation (DRAFT)



- Subject to:
 - Permittee shall be responsible for all costs associated with the proposed canal improvements and modifications
 - Board approval of Memorandum of Agreement and final design
 - Board approval of fair market value based on an appraisal to be provided by FDOT
 - An analysis confirming sufficient hydraulic capacity
 - FDOT and its consultants seeking approval from staff for all modifications within the canal right-of-way prior to the final design

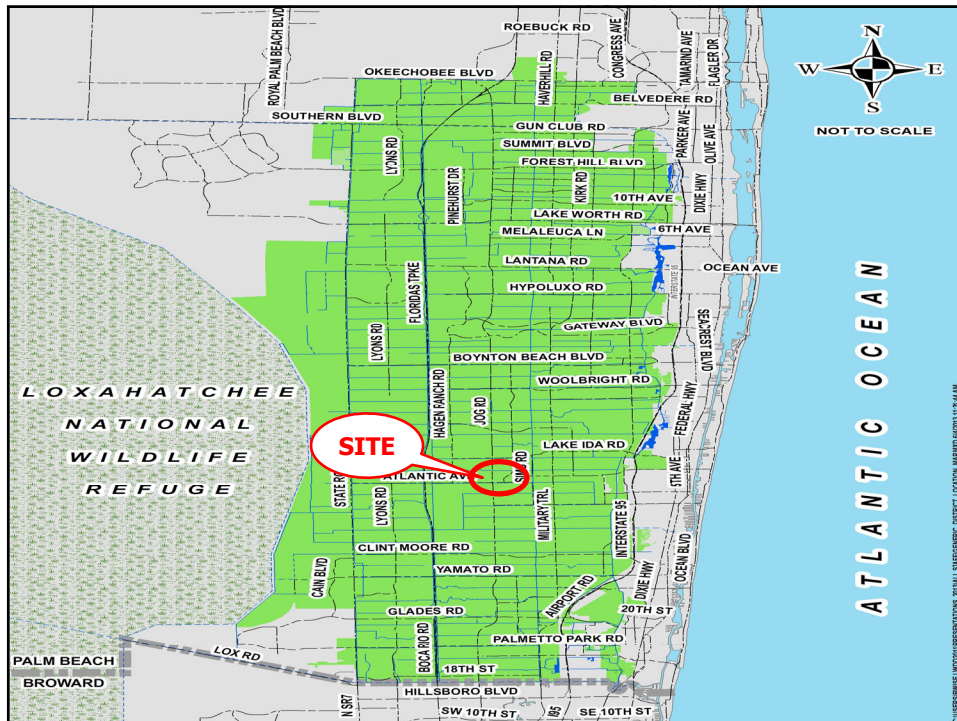
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**Convert the existing Piping, Paving, & Parking
Agreement to a Right-of-Way Permit and issue to
Crampton Family Trust**
LWDD Project No. RW-21-0280
CVS Pharmacy Store # 02966-01

Shawn Mitchell, Permit Coordinator
 Governing Board Workshop – February 7, 2022
 Agenda Item #3



1



2

Background



- Parcel is located on the southeast corner of Atlantic Ave and, S Jog Road; the L-34 Canal (ORB 14672, PG 1953)
- The L-34 Canal was previously piped in 1979 under Permit No. 79-1600D.01 for First Federal Savings & Loan of Delray Beach.
- Currently there is an existing CVS Pharmacy Store on the property.
- On May 16, 2001, LWDD Board of Supervisors approved Piping, Paving & Parking License Agreement under Project No. 01-6081P.01.
- On May 30th, 2002, CVS 2966 FL, LLC purchased property from Washington Mutual Bank FA (ORB 13773, PG 0268)
- June 20, 2002 – Piping, Paving and Parking Agreement between Lake Worth Drainage District and CVS 2966FL, LLC, recorded in ORB 13830/0321

3

Background



- In December 2002 CVS 2966 FL, LLC changed its name to SCP 2002E-5 LLC
- April 08, 2019 – Crampton Family Trust (current owner) purchased property from SCP 2002E-5 LLC (ORB30531/4)
- September 2021– Crampton Family Trust (current owners) requested the transfer of the existing Piping, Paving & Parking Agreement and convert to a Right-of-Way Permit.
- The last pipe inspection was done on January 20, 2016

4

Staff Recommendation (DRAFT)



- Approval to issue a Right-of-Way Permit for the existing piped, parking and paving portion of the L-34 Canal to Crampton Family Trust
- Subject to:
 - Updated Signed & Sealed Pipe Inspection (Pending)
 - Certificate of Liability Insurance (Received)
 - LWDD Operating Policies
- **Application Fee**
 - \$9.00 x 260 LF = \$2,340 (Paid)
- **Use Fee**
 - \$20.00 x 260 LF = \$5,200 (Paid)
- **Annual Fee** – (Commencing 1yr from Permit Issuance)
 - \$4.00 x 260 LF = \$1040.00
 - Adjusted every five (5) years by the compounded CPI

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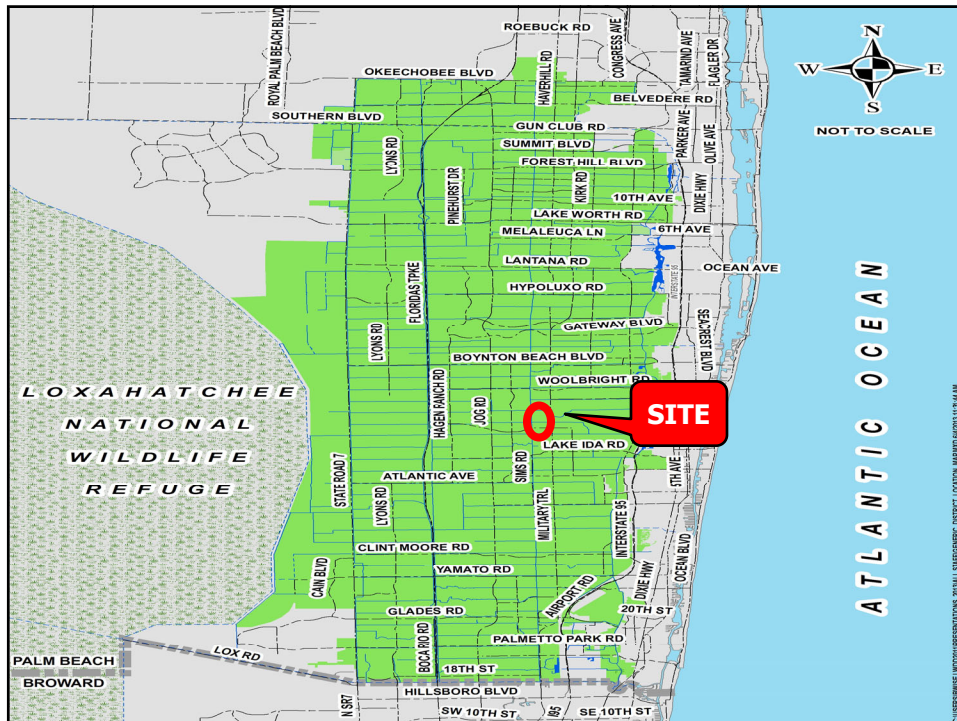
Knight Residence – 12561 Oak Run Court **Encroachments within the canal right-of-way** **Military Trail; L-29 Canal**

Project #RW-23-0038

Nicole Smith, Permit Supervisor
 Board Workshop – February 7, 2023
 Agenda Item #3



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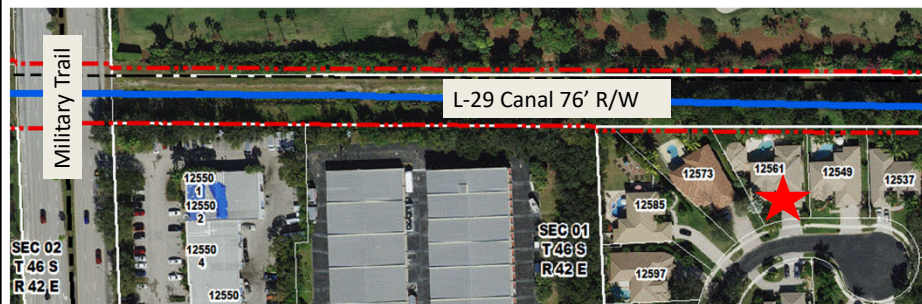
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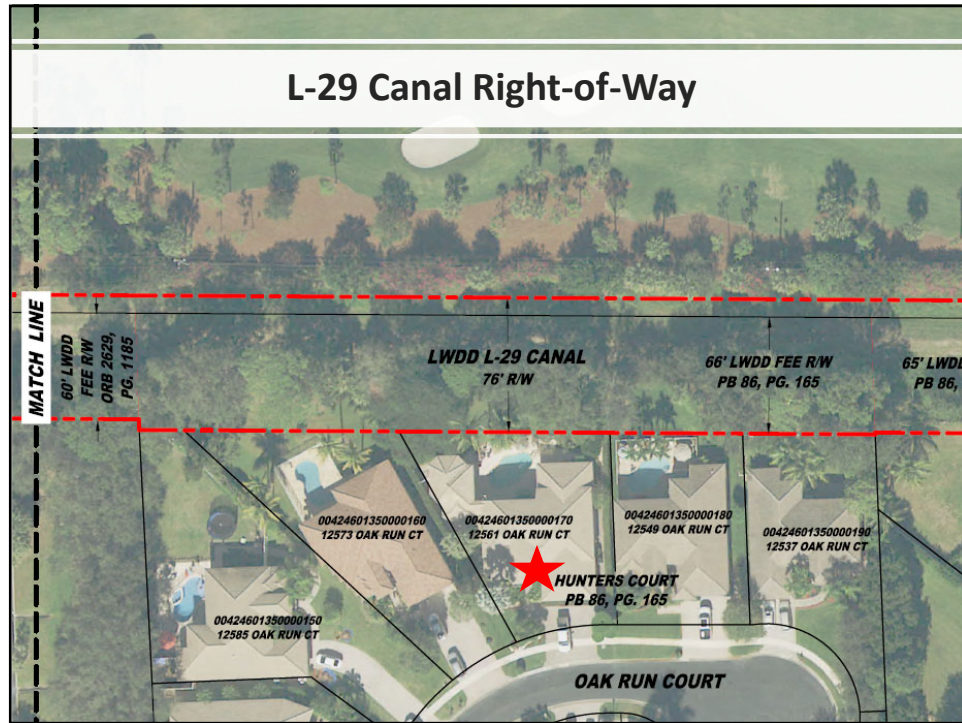


- Vegetation and encroachments identified as part of CRP inventory
- June 2022– Notice of Violation Letter mailed (CM-21-0077)
- August 2022 – Playhouse removed from right-of-way
 - All other encroachments remain
- September 2022 – 2nd Notice of Violation Letter mailed
- November 2022 – Staff spoke with Mr. Knight explained the CRP project and the need to have encroachments removed; Mr. Knight requested an onsite meeting
- January 2023 – Final Notice of Violation Letter mailed
- January 2023 – LWDD management and Supervisor Hill met onsite with Mr. Knight
- January 2023 – Variance application received requesting encroachment permit
- Encroachments have been or will be removed from L-29 Canal R/W within this section

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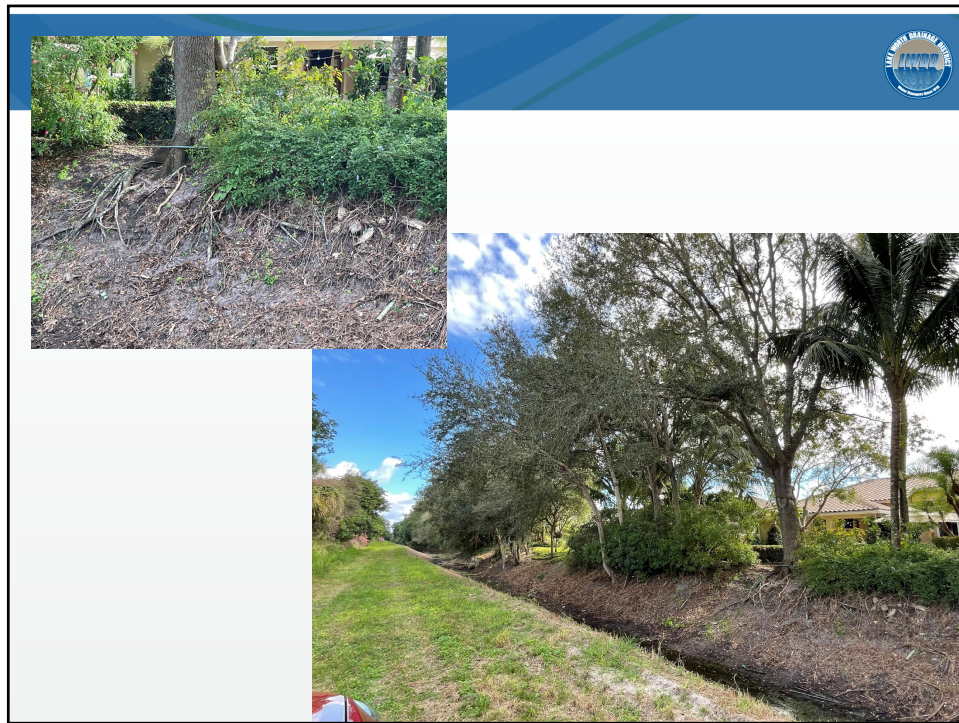
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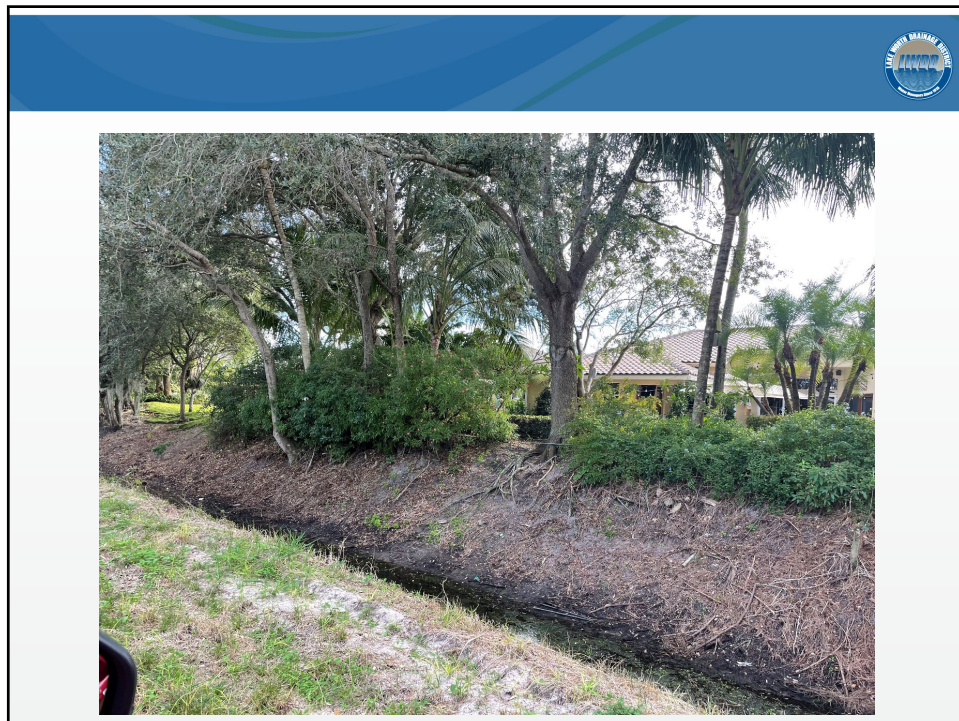
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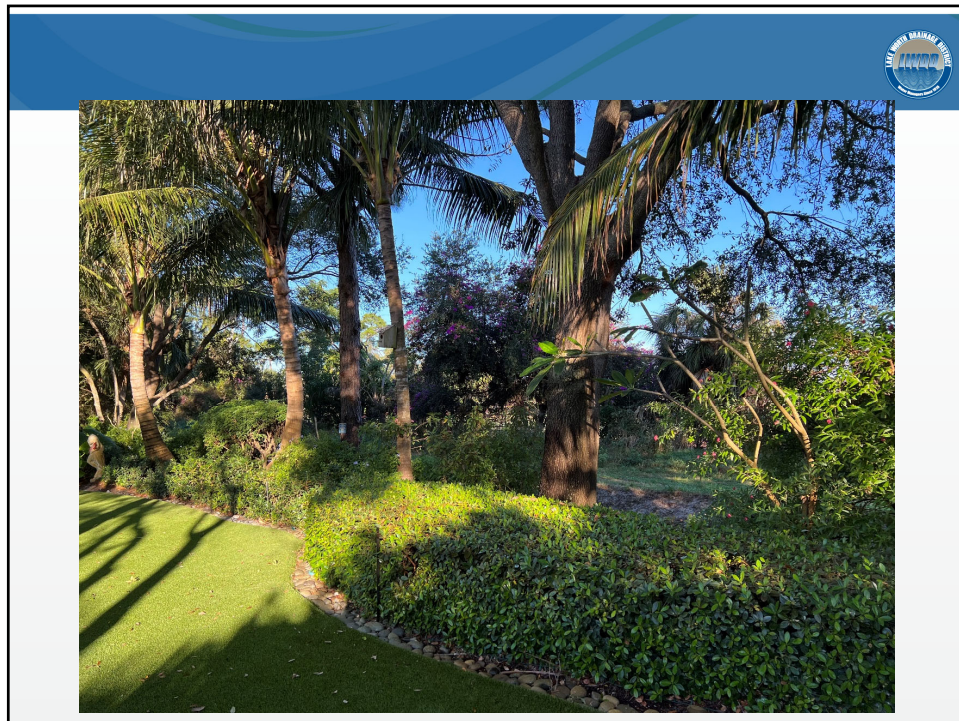
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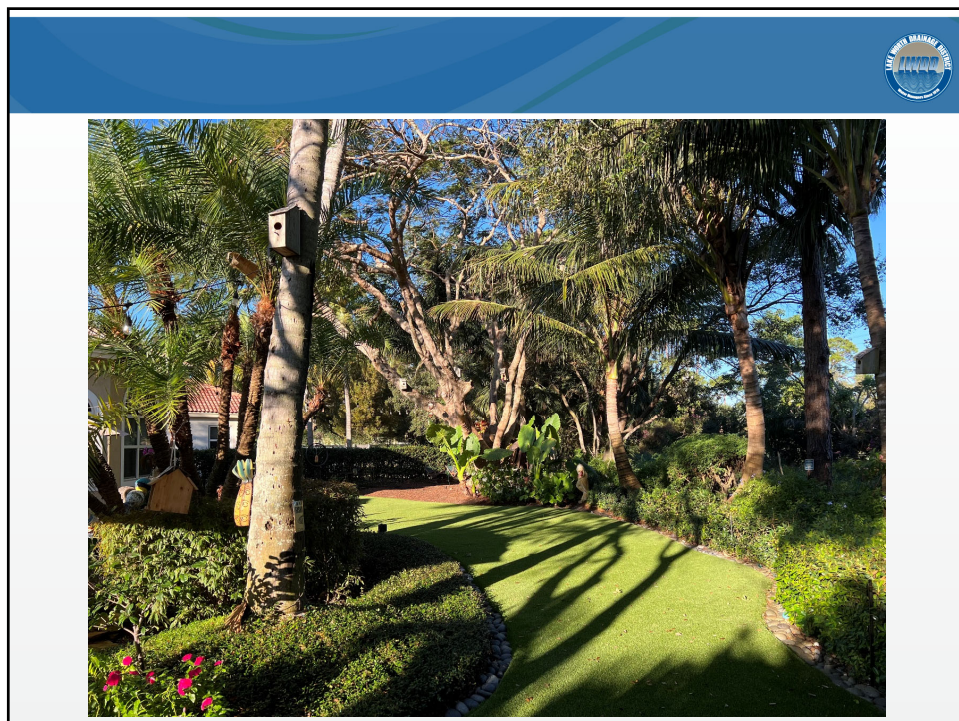
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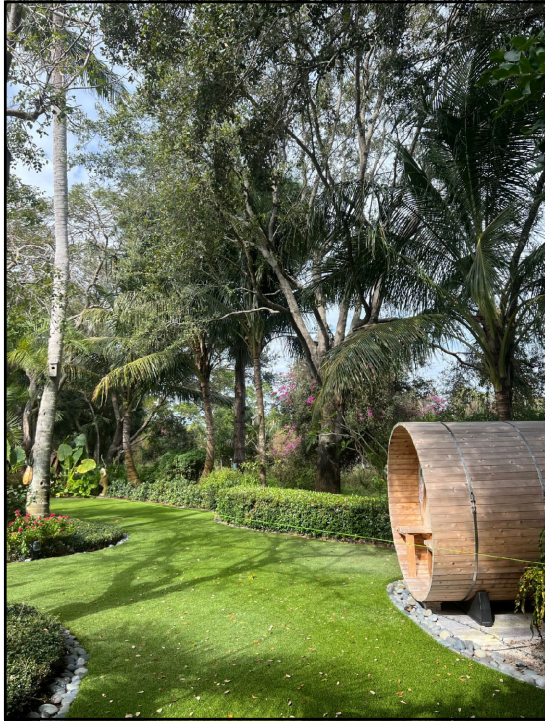
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■ Requested by resident?

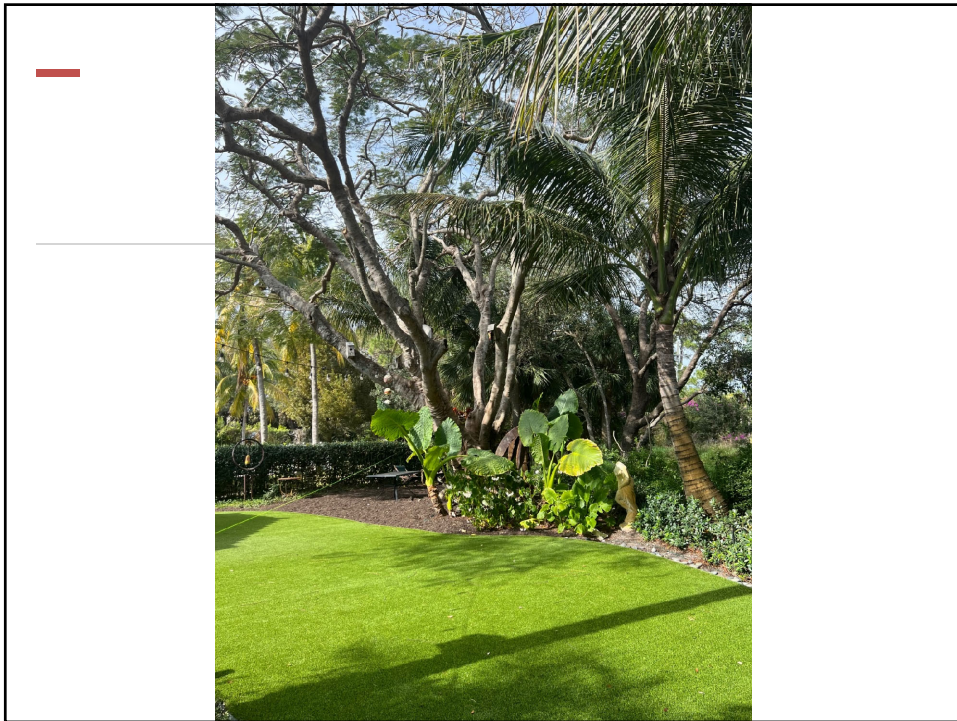
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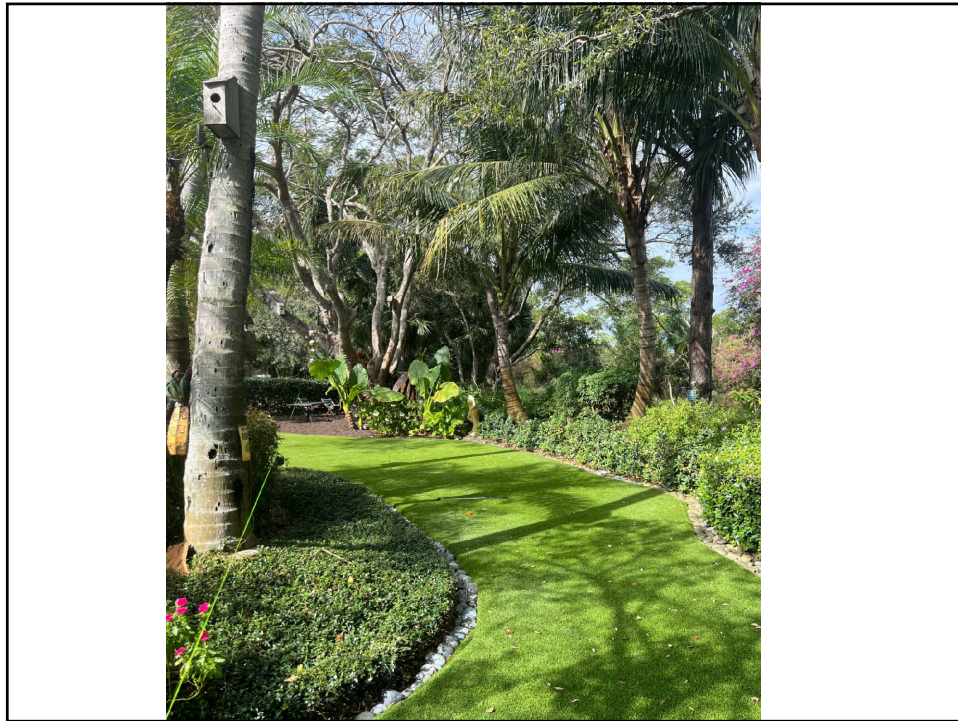
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15

Staff Recommendation (DRAFT)



- Denial of request submitted by Mr. Knight to keep all encroachments within the L-29 Canal Right-of-Way
- All encroachments will need to be removed within _____
 - Application Fee - \$500.00 (Paid)

16

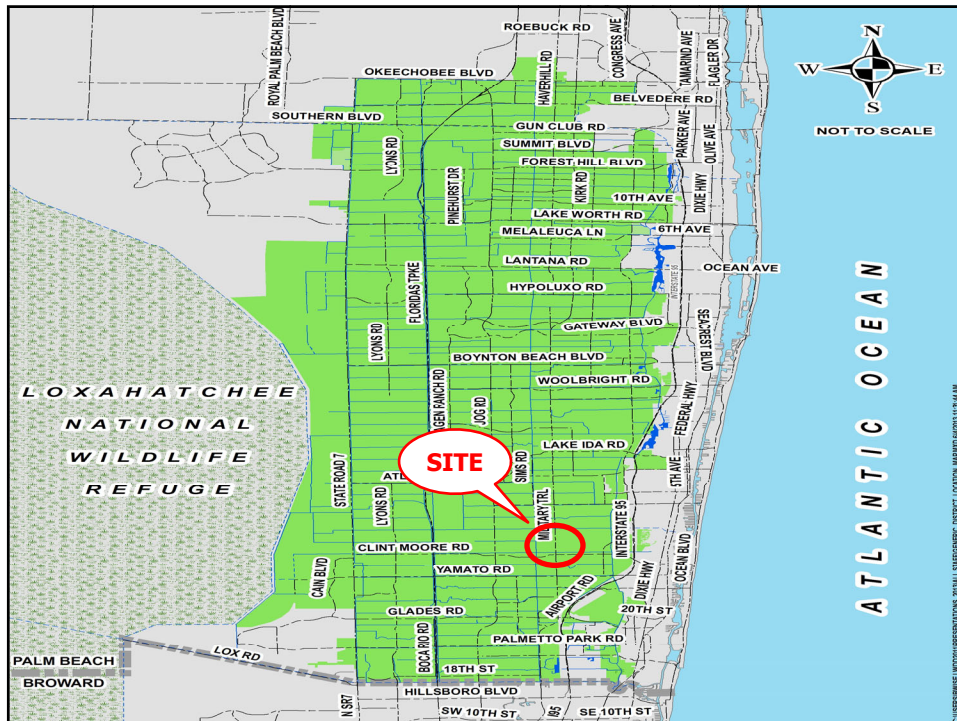
Assign/Transfer the existing Piping, Paving, Parking Agreement from Office Depot Inc to BH Offices Venture LLC

LWDD Project No. RW-23-0004 (06-8274P.01)

Nicole Smith, Permit Supervisor
Governing Board Workshop – February 7, 2023
Agenda Item #3



1



2



3

Background

Parcel is located on the north side of the L-41 Canal, East side of Military Trail, ~2,180' south of the centerline of Clint Moore Road

- **May 14, 2008** - LWDD Board of Supervisors approved Boca 54 North LLC (Fairway Corporate Center) to Pipe a portion of the L-41 Canal
- **September 16, 2009** – LWDD Board of Supervisors reapproved Boca 54 North LLC (Fairway Corporate Center) to Pipe a portion of the L-41 Canal; Canal was not piped, and previous approval expired; Recorded on August 13, 2010, Piping Paving Parking License Agreement (PPP) (ORB 24008, PG 1034)
- **October 13, 2010** – LWDD Board of Supervisors approved a modification to the previous agreement to amend the engineering plans; Recorded on November 9, 2010 (ORB 24183, PG 1750)
- **May 27, 2011** – Assignment of PPP from Boca 54 North LLC to HUB Properties Trust (Office Depot) and Amendment to PPP to allow landscaping, lighting, and signage; Recorded on May 27, 2011 (ORB 24547, PG 1611)

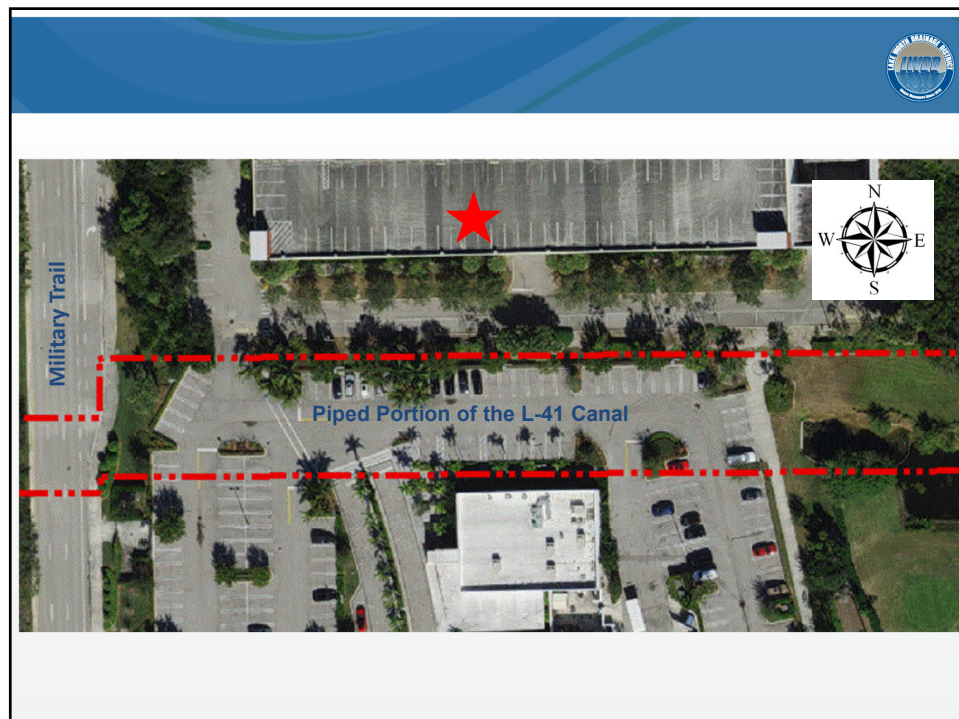
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Background continued...



- **November 13, 2013** – LWDD Board of Supervisors approved a Tri-Party PPP between LWDD, HUB Properties Trust (north parcel), and Fairway Commons Acquisition LLC (south parcel); Recorded on December 26, 2013 (ORB 26525, PG 1588)
- **January 15, 2014** – LWDD Board of Supervisors granted a 1-Year extension to allow permittee to install improvements within the piped portion of the L-41 Canal; Amendment was recorded on March 28, 2014 (ORB 26693, PG 0078)
- **December 16, 2015** – LWDD Board of Supervisors granted an additional 1-Year extension to allow permittee to install improvements within the piped portion of the L-41 Canal; Amendment was recorded on November 15, 2016 (ORB 28707, PG 1441)
- **January 4, 2023** – Application submitted requesting a transfer from HUB Properties to BH Offices Venture LLC

5



6

Staff Recommendation (DRAFT)



- Approval to assign/transfer HUB Properties portion of the Tri-Party PPP Agreement to BH Offices Venture LLC for the piped portion of the L-41 Canal, adjacent to 6600 NW Military Trail, Boca Raton 33496.
- Subject to:
 - Certificate of Liability Insurance (Received)
 - Signed & Sealed Pipe Inspection (**DUE 2026**)
 - LWDD Operating Policies
- **Application Fee**
 - \$9.00 x 574.74 LF = \$5,172.66 (Paid)
- **Use Fee**
 - \$20.00 x 574.74 LF = \$11,494.80 (Paid)
- **Annual Fee** – (commencing 2024)
 - \$4.00 x 574.74 LF = \$2,298.96
 - Adjusted every five (5) years by the compounded CPI